

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

AIMEE BEVAN, as Personal Representative
of the Estate of Desiree Gonzales, deceased,

Plaintiff,

vs.

Civ. No. 15-73 KG/SCY

GABRIEL VALENCIA, Youth Development
Administrator, Individually, MATTHEW
EDMUNDS, Corrections Officer, Individually,
JOHN ORTEGA, Corrections Officer,
Individually, and NATHAN PAUL
UNKEFER, M.D.,

Defendants.

SPECIAL VERDICT

On the questions submitted, we, the jury, unanimously find the following:

I. Liability

A. Fourteenth Amendment Due Process

Question No. 1: Do you find by a preponderance of the evidence that Defendants Gabriel Valencia, Matthew Edmunds, or John Ortega violated Desiree Gonzales' Fourteenth Amendment due process right not to be deprived of adequate medical care?

Answer:

Gabriel Valencia No (Yes or No)

Matthew Edmunds No (Yes or No)

John Ortega No (Yes or No)

If you answered "Yes" as to any of the listed Defendants, please proceed to Question 2. If you answered "No" as to all of the listed Defendants, please proceed to Question 3.

Question No. 2: Answer this question for only those Defendants that you answered "Yes" to in Question No. 1. Do you find by a preponderance of the evidence that the Fourteenth

Amendment violation by any of the Defendants as to whom you answered “Yes” to Question No. 1 caused harm to Desiree Gonzales?

Answer:

Gabriel Valencia _____ (Yes or No)

Matthew Edmunds _____ (Yes or No)

John Ortega _____ (Yes or No)

Please proceed to Question No. 3. If you answered “No” as to any of the Defendants, do not answer any further questions as to Defendants Gabriel Valencia, Matthew Edmunds, or John Ortega.

B. Medical Negligence

Question No. 3: Do you find by a preponderance of the evidence that Defendant Nathan Paul Unkefer, M.D. was negligent?

Answer: No (Yes or No)

If you answered “Yes,” please proceed to Question No. 4. If you answered “No” to Question No. 4, do not answer any further questions as to Defendant Unkefer.

If you answered “No” to Question No. 3, and you answered “No” as to all of the Defendants listed in Question No. 1 or you answered “No” as to all of the Defendants listed in Question No. 2, then you have completed the Special Verdict. The jury foreman should sign and date the last page of the Special Verdict. Please notify the Court Security Officer stationed outside the jury room that you have reached a verdict. Please wait until the courtroom deputy escorts you to the court room.

If you answered “No” to Question No. 3 and you answered “Yes” as to at least one Defendant in Question No. 2, please proceed to Question No. 5.

Question No. 4: Do you find by a preponderance of the evidence that any negligence by Defendant Unkefer caused harm to Desiree Gonzales?

Answer: _____ (Yes or No)

If you answered “Yes” to Question No. 4 and “Yes” as to any Defendant listed in Question No. 2, please proceed to Question No. 5. If you answered “No” to Question No. 4, do not answer any further questions as to Defendant Unkefer.

If you answered "No" to Question No. 4, and you answered "No" as to all of the Defendants listed in Question No. 1 or you answered "No" as to all of the Defendants listed in Question No. 2, then you have completed the Special Verdict. The jury foreman should sign and date the last page of the Special Verdict. Please notify the Court Security Officer stationed outside the jury room that you have reached a verdict. Please wait until the courtroom deputy escorts you to the court room.

If you answered "No" to Question No. 4 and you answered "Yes" as to at least one Defendant in Question No. 2, please proceed to Question No. 5.

II. Damages

A. Compensatory Damages

Question No. 5: State the total amount of compensatory damages that will fairly compensate the Estate of Desiree Gonzales for any harm caused by the conduct of any and all Defendants as to whom you answered "Yes" to Question No. 2 and/or Question No. 4.

\$ _____

Please proceed to Question No. 6.

Question No. 6: For purposes of the compensatory damages assessed against Defendant Unkefer only, compare the negligence of the following persons and find a percentage for each. The total of the percentages must equal 100%, but the percentage for any one or more of the persons named may be zero if you find that such person was not negligent or that any negligence on the part of such person was not a cause of damage.

Nathan Paul Unkefer, M.D. _____ %

Santa Fe County Employees _____ %

Desiree Gonzales (only negligence occurring after she arrived at Christus St. Vincent Regional Medical Center on May 7, 2014, which caused harm to herself)

_____ %

Janel Gonzales (only negligence occurring after she arrived at Christus St. Vincent Regional Medical Center on May 7, 2014, which caused harm to Desiree Gonzales)

_____ %

TOTAL 100%

The Court will multiply the percentage of Defendant Unkefer times the total damages caused by negligence as found by the jury under Question No. 5. The Court will then enter judgment for Plaintiff against Defendant Unkefer in the proportion of damages found as to Dr. Unkefer.

Please proceed to Question No. 7.

B. Punitive Damages

Question No. 7: Do you award punitive damages against any of the Defendants as to whom you answered “Yes” to Question No. 5?

Answer:

Gabriel Valencia _____ (Yes or No)

Matthew Edmunds _____ (Yes or No)

John Ortega _____ (Yes or No)

**If you answered “Yes” as to any listed Defendant, please proceed to Question No. 8.
If you answered “No” as to all Defendants, please complete the Special Verdict below.**

Question No. 8: For each Defendant as to whom you answered “Yes” to Question No. 7, state the amount of punitive damages you award:

Gabriel Valencia \$ _____

Matthew Edmunds \$ _____

John Ortega \$ _____

You have now completed this Special Verdict. The jury foreman should sign and date the Special Verdict form. Please notify the Court Security Officer stationed outside the jury room that you have reached a verdict. Please wait until the courtroom deputy escorts you to the court room.

DATED September 26, 2018.

FOREPERSON